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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [OSCE](#) [LO](#)  
SUBJECT: HARABIN DEMANDS \$1.1 MILLION FROM MEDIA AS  
OUT-OF-CONTROL LIBEL SUITS ENRICH SLOVAK POLITICIANS WHILE  
THREATENING A FREE PRESS

REF: A. BRATISLAVA 248  
[1](#)B. BRATISLAVA 176

Classified By: CDA, a.i., Keith A. Eddins; for reasons 1.4 (b and d)

[1](#)1. (C) Summary: Justice Minister Stefan Harabin is demanding a total of over \$1.1 million from four major Slovak media outlets for supposed damage to his reputation that they caused by reporting his links to a known drug dealer. In almost identical letters to the four companies, Harabin threatens to file libel suits unless they each pay him 200,000 Euros. Harabin's demands -- which the British Ambassador characterized as "extortion" -- come in the wake of multiple libel awards to senior Slovak politicians by the courts. But Harabin's recent letters took matters to a new level, given his failure to seek a timely retraction or to make use of his right to reply (both options under Slovak law). His letters clearly appear intended to frighten off sharp criticism from the media in the weeks before he hopes to be elected Chairman of the Supreme Court. But Harabin's blatant move could backfire, as it has spurred increased coordination among the press and invited closer scrutiny of the worrisome state of the Slovak media and judiciary. End Summary.

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Harabin Demands "Out of Court" Payments  
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[1](#)2. (U) On May 25, Minister Harabin sent almost identical letters to the publishers of Sme, Pravda, and Plus 1 Den/Plus 7 Dni demanding 200,000 Euros for supposed damages they had caused him by printing stories linking him to the mafia and organized crime. On June 12 he followed up with another letter to the radio station Radio Express. None of the letters cited a specific article as being libelous; all "reminded" the recipients that Harabin had won libel suits against them in the past. The text of the letter to the parent company of Plus 7 Dni and Plus 1 Den reads:

Begin informal translation: Call for out-of-court settlement

Within the period June 18, 2008, to May 23, 2009, Plus 1 Den daily published a series of untrue accusations, linking me with mafia and organized crime.

These articles have severely damaged my good reputation and honor.

Within an out-of-court settlement, as a compensation of non-pecuniary damage caused, I request that you pay EUR 200,000 to my address above within 40 days.

I would like to remind you that, as a consequence of untrue assertions about me in 2005 and 2007, the publisher of Plus 1

Den daily and Plus 7 Dni weekly had to pay compensation of non-pecuniary damage reaching 1,500,000 (Slovak) crowns, as well as over 1 million (Slovak) crowns in court fees. Also it should not be neglected that the publishers of Plus 7 Dni had to pay 1 million (Slovak) crowns as a result of a libel suit to protect the good reputation of the Supreme Court of Slovakia which I filed in 1999 as President of the Court. Stefan Harabin. End translation.

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Publishers Will Appeal to EU and OSCE Institutions  
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¶3. (SBU) After meeting among themselves, the threatened newspaper publishers concluded that they face a 'no-win' situation in which Harabin's control of the courts (ref A) precludes their getting a fair hearing. They have thus decided to appeal to supranational institutions. Tomas Kamenec, the lawyer who represents the daily newspaper Sme's parent company Petit Press, told us that Plus 1 Den/Plus 7 Dni, Sme, and Pravda have agreed to together on an appeal to the European Court of Human Rights.

¶4. (U) Meanwhile, both the International Press Institute (IPI) and the OSCE continue to express concern about the deteriorating media environment in Slovakia. In an audit performed by IPI in March, it found that "targeting of the Slovak press through civil defamation lawsuits is causing widespread concern among journalists that they cannot do their jobs without fear of reprisal." IPI Director David Dudge said that "as a member of the EU, Slovakia has a responsibility to bring its media regulations in line with international standards. The government must take action to

ensure that the media are allowed to do their jobs independent of political interference, and that laws are not used to harass and abuse journalists."

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Libel Verdicts in Slovakia: Enriching the Political Class  
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¶5. (U) We have met recently with several legal experts to develop a better understanding of Slovak libel law and the judicial context which has allowed it to be wielded as a tool to intimidate the free press. While there is no specific prohibition of libel in Slovakia, complaints can be filed under articles 11 and 13 of the Civil Code (40/1964 as amended). Article 11 of the Civil Code states any "physical person has the right to a protection of personality, particularly life and health, of the civic honor and dignity, as well as of privacy, his/her name, and personalities." Article 13 states "1) A person has the right to request a stop to the breaching of his/her personal rights, to rectify harmful consequences, and to request adequate satisfaction. 2) If the dignity of a persona or public reputation have been affected significantly, and the satisfaction mentioned in paragraph 1 is inadequate, the person has the right to request monetary satisfaction. 3) The monetary satisfaction shall be awarded by the court taking account of the seriousness of the harm caused and other circumstances of the case."

¶6. (U) According to our analysis (based on press reporting and consultation with various legal experts), Minister of Justice Harabin has won 182,100 EUROS in four libel cases and Prime Minister Fico has won 249,700 EUROS in five libel cases against media outlets since the current ruling coalition came to office in 2006. Other Slovak politicians, including the corrupt nationalist Jan Slota, have won lesser but still substantial damages. In most of these suits, the underlying truth of the newspaper article is not in question, but the decisions instead often hinge on minor technical errors, the metaphors used by headline writers, or the argument that some readers might draw a damaging link that is neither suggested nor proven.

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Gaming the System  
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¶17. (SBU) According to Maria Kolikova, former Director of the Ministry of Justice's Center for Free Legal Aid, the compensations for non-pecuniary damages given in politically-motivated libel cases are completely discretionary, vary widely across the country, and are disproportionately high in comparison to other cases filed under Articles 11 and 13 of the Slovak Civil Code. For example, while the Bratislava District Court awarded PM Fico 66,000 EUROS from Plus 7 Dni for his "suffering" from the article quoting him calling journalists "dirty bastards," the Banska Bystrica Regional court awarded the family of Mario Goral, a Romani youth who was brutally murdered by a group of skinheads, only 10,000 EUROS for their suffering.

¶18. (SBU) In 2006, one of the first laws PM Fico's coalition adopted reduced court fees specifically for cases involving libel and slander. This reduction in the amount that plaintiffs must pay in court fees eliminated one major disincentive to frivolous filings. According to Kolikova, because the court fees are now so low, politicians have been known to file multiple cases with the court and then carefully monitor the random electronic case assignment. They then withdraw the cases which have been assigned to "unfriendly" judges, and increase the amounts they are seeking in damages in cases which have been assigned to "sympathetic" judges.

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Shocking Verdict for Meciar-Era Intelligence Chief  
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¶19. (SBU) Tomas Kamenec, Sme's lawyer, describes the libel situation in Slovakia as having become tragically laughable. Kamenec most recently (June 8) lost to Ivan Lexa, the notorious intelligence chief of the autocratic former PM Vladimir Meciar. Lexa was the suspected organizer of the infamous kidnapping of former President Kovac's son. The judge ruled Sme must pay Lexa 33,193 EUROS and issue a front page apology. The only justification the Court provided for its decision was that it had "considered the circumstances of the case, as well as the seriousness of the harm caused."

This decision was made despite the fact that the "harmful" article was based on official SIS documents, which Kamenec had presented in Sme's defense. Both Kolikova and Kamenec told us that judges who do not comply with Harabin's objectives are often sanctioned with disciplinary proceedings, and many judges are thus intimidated into submission.

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Embassy Comment  
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¶10. (C) The fact that the Minister of Justice feels he can essentially extort the press serves as a sobering indicator of the disdain with which a free and open media is viewed by too many Slovak public officials. But coming in the midst of his efforts to win a Supreme Court seat while simultaneously transferring more power to the Court (ref A), Harabin's move against the media could backfire. Some influential members of PM Fico's governing Smer party have recently begun to publicly question the wisdom of allowing Harabin to acquire so much power (although it's unclear whether they will risk a serious coalition rift to stop it). And if the publishers are successful in bringing European institutions into the dispute they could gain some leverage, as Fico and Smer appear to be respond more to EU pressure than to domestic opposition. In any event, the application of Slovak media and libel laws continues to hamper the functioning of the press in Slovakia, as publishers face huge judgments and legal fees. But to their credit, at least in the Harabin case, the papers do not appear to be backing down.

